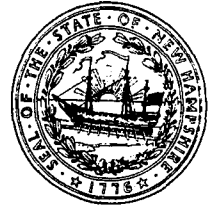




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



February 9, 2001

Mr. Brian Caisse
Resident Manager
American Tissue Mills of NH
116 Lost Road
P.O. Box 26
Winchester, New Hampshire 03470

HAND DELIVERED

LETTER OF DEFICIENCY
ARD No. 2001-001

Dear Mr. Caisse:

On December 18, 2000, the New Hampshire Department of Environmental Services, Air Resources Division (DES) performed a compliance inspection and subsequent file review of the American Tissue Mills of NH facility located at 116 Lost Road, Winchester (ATM). The purpose of the inspection and file review was to evaluate compliance with Title V Operating Permit TV-OP-013 (the permit) issued on March 15, 1999, and NH Admin. Rules Env-A 100-3600, NH Rules Governing The Control of Air Pollution.

As a result of the inspection and file review, the following deficiencies were identified:

1. Item 6 of Table 7, Condition VIII.F Reporting Requirements of the permit requires ATM to submit to DES every 6 months a summary report of monitoring and testing requirements and include all instances of deviations from any permit requirement. DES has not received the report for the period of January through June of 2000 that ATM was required to submit by July 31, 2000. Therefore, ATM is not in compliance with Condition VIII.F of the permit;
2. Item 9 of Table 7, Condition VIII.F Reporting Requirements of the permit requires ATM to submit to DES an annual compliance certification due by April 15 for the previous calendar year. This compliance certification should contain the information specified in Condition XXI of the permit and demonstrate the compliance status of the facility for the previous calendar year. The permit was issued to ATM on March 15, 1999. Therefore, the annual compliance certification for 1999 should cover the period from the date of permit issuance through December. DES received a compliance certification on January 16, 2001 for the period of July through December of 1999. The compliance certification did not include the period from the permit issuance date through June 30, 1999. Therefore, ATM is not in compliance with Condition VIII.F of the permit;
3. Item 1 of Table 5, Condition VIII.D Monitoring/Testing Requirements of the permit requires ATM to conduct an annual inspection of each stack and fuel-burning device. ATM has not conducted the required inspection. Therefore, ATM is not in compliance with Condition VIII.D of the permit;

4. Item 2 of Table 6, Condition VIII.E Recordkeeping Requirements of the permit requires ATM to maintain records of the fuel sulfur content. ATM has only sporadic documentation of fuel sulfur content for the fuel already combusted. Each fuel delivery should have documentation of the percent fuel sulfur content. Therefore, ATM is not in compliance with Condition VIII.E of the permit; and

5. Items 4, 5, 6, 7 and 10 of Table 3, Condition VIII.A State-Only Enforceable Operational and Emission Limitations and New Hampshire Administrative Rules, Env-A 1404.01(b) requires ATM to demonstrate compliance with Env-A 1400 by May 8, 2000, following one of the methods specified in Env-A 1404.01(c). Further, Env-A 1400 requires this information be retained on site and made available to DES upon inspection. ATM has not completed the compliance demonstration as required by Env-A 1404.01(b) and, therefore, is not in compliance with Condition VIII.A of the permit and Env-A 1400.

DES believes that the above-noted deficiencies can be resolved by ATM taking the following actions:

6. Within 15 days of receipt of this Letter of Deficiency, submit to DES the semi-annual report of monitoring and testing requirements for the period of January through June of 2000. ATM was required to submit this report by July 31, 2000 in accordance with Item 6 of Table 7, Condition VIII.F Reporting Requirements of the permit. Submit all future semi-annual monitoring and testing reports by July 31 and January 31 for the preceding semi-annual periods of January through June and July through December, respectively;

7. Within 15 days of receipt of this Letter of Deficiency, submit to DES a complete Title V compliance certification for 1999. As required by Item 9 of Table 7, Condition VIII.F Reporting Requirements of the permit, this compliance certification should cover the period from the permit issue date through December of 1999. Submit all future annual compliance certifications by April 15 for the preceding calendar year;

8. Conduct the annual inspection of each stack and fuel-burning device as required by Item 1 of Table 5, Condition VIII.D Monitoring/Testing Requirements of the permit. Maintain records of this inspection as required by Item 2 of Table 6, Condition VIII.E Recordkeeping Requirements. Include this information in the summary report of monitoring and testing requirements, required by Item 6 of Table 7, Condition VIII.F Reporting Requirements, for the semi-annual period in which the inspection was performed;

9. As required by Item 2 of Table 6, Condition VIII.E Recordkeeping Requirements of the permit, maintain records of the fuel sulfur content for each fuel delivery. Include a summary of these fuel sulfur content certifications in the summary report of monitoring and testing requirements, required by Item 6 of Table 7, Condition VIII.F Reporting Requirements semi-annually; and

10. Within 60 days of receipt of this Letter of Deficiency, submit to DES an evaluation of all air toxics emissions at ATM in order to demonstrate compliance with Env-A 1400 and the requirements of Table 3, Condition VIII.A State-Only Enforceable Operational and Emission. This evaluation should be performed following the procedures in Env-A 1406. If the demonstration shows that emissions are not in compliance, a plan showing how compliance will be achieved by May 8, 2001 should also be submitted to DES with the evaluation.

As was discussed during a telephone discussion with DES on January 17, 2001, the reports previously submitted to DES need to be modified and resubmitted as follows:

11. On January 17, 2001, DES received from ATM a "Title V annual summary report." The report contained fuel sulfur results, boiler efficiency testing and maintenance records. These items are not required in the annual report. These items are required to be included in the semi-annual summary report of monitoring and testing requirements by Item 6 of Table 7, Condition VIII.F Reporting Requirements. The semi-annual report also should include a summary of all permit deviations that occurred in that period. Resubmit to DES the semi-annual summary reports of monitoring and testing requirements that were required to be submitted by July 31, 1999 and by January 31, 2000, within 15 days of receipt of this LOD; and

12. The compliance certification data included in the reports received on January 16 and 17, 2001, for the periods of January through June, and July through December of 2000, shall be resubmitted as the annual compliance certification report required to be submitted to DES by April 15, 2001 for calendar year 2000. The annual compliance certification report is required in accordance with Item 9 of Table 7, Condition VIII.F Reporting Requirements of the permit. The resubmittal of the certification data will include the modifications to the reports requested by DES during the January 17, 2001 telephone conversation.

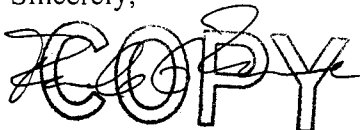
In the event compliance is not achieved within the time periods indicated, DES may initiate formal action against ATM including issuing an order requiring the deficiencies to be corrected and/or referring this matter to the NH Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

Please address all information to Raymond Walters, at the following address:

NHDES Air Resources Division
Compliance Bureau
6 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

Please be advised that DES will continue to monitor ATM's compliance status and that this letter does not provide relief against any other existing or future violations. It is important that ATM be aware of all the requirements stipulated in its permit. Please feel free to contact DES should you have any questions regarding what is required to maintain compliance with the NH Code of Administrative Rules Env-A 100-3600 and the requirements of the permit. A current copy of the applicable rules can be obtained from the DES website at <http://www.des.state.nh.us/ard/ardrules.htm>, or by contacting the Public Information Center at (603) 271-2975. If you have any questions regarding this matter, or require further information please contact Raymond Walters at (603) 271-6288 or Mary Ruel at (603) 271-6795.

Sincerely,



Pamela G. Monroe
Administrator, Compliance Bureau
Air Resources Division

PGM/raw

cc: B. Santos, ATM Environmental Supervisor
P. Lepore, ATM Regional Manager
M. Kajka, ATM Environmental Director
K. A. Colburn, Director, NHDES-ARD
G. Rule, NHDES-O/C
T. McCusker, EPA Region I
Thomas Magee, Chairman of Selectmen, Town of Winchester
Enforcement File

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RECEIVED BY

Print: Brian Santos

Signature: 

Date: 02/09/01